

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,

Plaintiff,

v.

R. MORENO, et al.,

Defendants.

Case No. 1:21-cv-00327-ADA-EPG (PC)

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

(ECF No. 113)

Kristin Hardy ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case is proceeding on Plaintiff's unreasonable search and seizure claims against defendants Valencia, Moreno, Chavez, Dohs, and Ceballos, based on Plaintiff's allegations that after Plaintiff was subjected to a full body scan, he was immediately subjected to an additional strip search without justification. (ECF Nos. 22, 42, & 43).

On November 4, 2022, Plaintiff filed a motion to compel. Plaintiff's motion is directed at: Defendant Chavez's supplemental responses to Requests for Admission Nos. 24 & 26; Defendant Chavez's supplemental response to Interrogatory No. 8; Defendant Moreno's supplemental responses to Requests for Admission Nos. 12 & 24; and the fact that defendant Moreno's supplemental responses omitted the responses to Requests for Admission Nos. 1 & 2. Plaintiff also asks that defendants Chavez and Moreno "face sanctions and plaintiff's cost associated with this motion." (ECF No. 113, p. 2).

1 On December 15, 2022, Defendants filed their opposition to Plaintiff's motion. (ECF
2 No. 131). Attached to the opposition are copies of additional supplements to the relevant
3 discovery responses, except for Request for Admission No. 26 directed at defendant Chavez.
4 Defendants also included defendant Moreno's responses to Requests for Admission Nos. 1 & 2
5 in the additional supplement.

6 Given the additional supplemental responses, the Court finds that Plaintiff's motion to
7 compel is largely moot.

8 As to the only request that did not receive a supplemental response after the motion to
9 compel was filed, Request for Admission No. 26 directed at defendant Chavez, Plaintiff stated:
10 "The confidential information did not implicate Hardy as a suspect in a murder plot at North
11 Kern State Prison, Facility 'A.'" (ECF No. 131-1, p. 155). While some objections are
12 included, defendant Chavez responded: "[B]ased on his understanding of the request,
13 Defendant responds as follows: Admit." (*Id.*). Plaintiff argues that defendant Chavez's
14 objections should be overruled, but defendant Chavez responded despite the objections. There
15 is thus no need to overrule the objections, and the Court will deny the motion to compel as to
16 this request.

17 As to Plaintiff's requests for costs and sanctions, Plaintiff only includes one conclusory
18 sentence in his motion, and cites to no legal authority. The Court finds that Plaintiff has not
19 shown that he is entitled to either costs or sanctions. The Court notes that there is no indication
20 in Plaintiff's motion that Plaintiff attempted in good faith to obtain the discovery without court
21 action.

22 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff's motion to
23 compel (ECF No. 113) is DENIED.

24
25 IT IS SO ORDERED.

26 Dated: **December 27, 2022**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE